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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/615,791

07/10/2003

Takeshi Shiota

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06/20/2006

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EXAMINER

REKSTAD, ERICK J

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/615,791	Applicant(s) SHIOTA, TAKESHI	
	Examiner Erick Rekstad	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is a First Action for Application no. 10/615,791 filed on July 10, 2003 wherein claims 1-4 are presented for examination.

#### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,917,176 to Schempf et al.

[claim 1]

As shown in Figures 1-3, Schempf teaches a cylindrical tube probing device (12) having a casing with a camera and wheel members (52 and 28) disposed on the casing, the device being characterized in that when a spacing between the wheel members disposed at respective sides of said casing is enlarged, support frames (52) which are disposed on said casing and on which the respective wheel members are disposed are

moved in a vertical direction in unison with said enlarging or contracting motion, and a center of a lens (64, Fig. 3) disposed in said camera is located at a center of a cylindrical tube (Col 6 Lines 24-30, Col 7 Lines 24-37).

[claim 2]

As shown in Figure 7, Schempf teaches the wheel members (52) are each connected to the casing via hinge members (38) (Col 8 Lines 58-59).

[claim 3]

As shown in Figure 7, Schempf teaches the use of a side run-out preventing member (Col 9 Lines 24-42).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3,761,623 to Hara et al. in view of US Patent 4,537,136 to Douglas.

[claims 1-3]

As shown in Figure 2, Hara teaches the use of a cylindrical tube probing device having a casing with a camera (2) and wheel members (16) disposed on the casing (Col 2 Lines 46-67). Hara teaches the wheels are moveable for use in different size pipes (Col 2 Lines 51-53). As shown in Figure 2, Hara teaches the connection of the wheels using a pivotally connecting means which appears to include a hinge and run-out

preventing member. Hara does not specifically teach the wheels moving with the enlarging or contracting motion as required by claim 1.

Douglas teaches a similar cylindrical tube probing device in Figure 1. Douglas further teaches the use of moveable wheels in order to bring the wheels into contact with the inner wall of a pipe to be inspected (Col 2 Lines 3-16). Douglas teaches the moveable wheels (24) are connected to the housing using a hinge and run-out preventing member (Col 2 Lines 3-5 and Lines 6-10). It would have been obvious to one of ordinary skill in the art at the time of the invention to use the wheel moving means of Douglas with the cylindrical tube probing device of Hara in order to bring the wheels into contact with the inner wall of a pipe to be inspected as taught by Hara.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schempf as applied to claims 1-2 above, and further in view of US Patent 6,887,014 to Holland.  
[claim 4]

As shown above Schempf teaches the cylindrical tube probing device of claims 1 and 2. Schempf does not teach the use of a track means instead of wheels. Holland teaches a similar cylindrical tube probing device which includes a camera and hinging means (22) with the use of tracks (20a, 20b, 20c) to propel the device (Col 5 Lines 40-43 and 49-52, Col 6 Lines 14-18, Fig. 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to use to track means of Holland with the device of Schempf as tracks are a well know alternative to wheels (Official Notice). It would have further been obvious to one of ordinary skill in the art at the time of the

invention to use rubber tracks as rubber is a well know material for wheels and tracks (Official Notice).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hara and Douglas as applied to claims 1-2 above, and further in view of US Patent 6,887,014 to Holland.

[claim 4]

As shown above Hara and Douglas teach the cylindrical tube probing device of claims 1 and 2. Hara and Douglas are silent on the use of a track means instead of wheels. Holland teaches a similar cylindrical tube probing device which includes a camera and hinging means (22) with the use of tracks (20a, 20b, 20c) to propel the device (Col 5 Lines 40-43 and 49-52, Col 6 Lines 14-18, Fig. 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to use to track means of Holland with the device of Hara and Douglas as tracks are a well know alternative to wheels (Official Notice). It would have further been obvious to one of ordinary skill in the art at the time of the invention to use rubber tracks as rubber is a well know material for wheels and tracks (Official Notice).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5,650,579 to Hatley et al

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erick Rekstad whose telephone number is 571-272-7338. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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